

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1134 be amended to read as follows:

- 1 Page 48, between lines 5 and 6, begin a new paragraph and
- 2 insert:
- 3 "SECTION 1. IC 35-42-3-4, AS AMENDED BY P.L.164-2007,
- 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2008]: Sec. 4. (a) A person who, with the intent to deprive
- 6 another person of child custody rights, knowingly or intentionally:
- 7 (1) removes another person who is less than eighteen (18) years
- 8 of age to a place outside Indiana when the removal violates a
- 9 child custody order of a court; or
- 10 (2) violates a child custody order of a court by failing to return
- 11 a person who is less than eighteen (18) years of age to Indiana;
- 12 commits interference with custody, a ~~Class D~~ **Class C** felony.
- 13 However, the offense is a ~~Class C~~ felony if the other person is less than
- 14 fourteen (14) years of age and is not the person's child; and a Class B
- 15 felony if **the person removes the child to another country or fails to**
- 16 **return the child from another country, or if** the offense is committed
- 17 while armed with a deadly weapon or results in serious bodily injury to
- 18 another person.
- 19 (b) A person who with the intent to deprive another person of
- 20 custody or parenting time rights:
- 21 (1) knowingly or intentionally takes;
- 22 (2) knowingly or intentionally detains; or
- 23 (3) knowingly or intentionally conceals;
- 24 a person who is less than eighteen (18) years of age commits
- 25 interference with custody, a Class C misdemeanor. However, the
- 26 offense is a Class B misdemeanor if the taking, concealment, or
- 27 detention is in violation of a court order.
- 28 (c) With respect to a violation of this section, a court may consider
- 29 as a mitigating circumstance the accused person's return of the other
- 30 person in accordance with the child custody order or parenting time
- 31 order within seven (7) days after the removal.
- 32 (d) The offenses described in this section continue as long as the

1 child is concealed or detained or both.
2 (e) If a person is convicted of an offense under this section, a court
3 may impose against the defendant reasonable costs incurred by a parent
4 or guardian of the child because of the taking, detention, or
5 concealment of the child.
6 ~~(g)~~ **(f)** It is a defense to a prosecution under this section that the
7 accused person:
8 (1) was threatened; or
9 (2) reasonably believed the child was threatened;
10 which resulted in the child not being timely returned to the other parent
11 resulting in a violation of a child custody order."
12 Page 49, between lines 25 and 26, begin a new paragraph and
13 insert:
14 **"(e) As used in this section , "charter school" has the meaning**
15 **set forth in IC 20-18-2-2.5."**
16 Page 49, line 26, delete "(e)" and insert "**(f)**".
17 Page 49, line 30, after "by" insert "**or affiliated with**".
18 Page 49, line 31, strike "or".
19 Page 49, between lines 31 and 32, begin a new line double block
20 indented and insert:
21 **"(B) charter school; or"**.
22 Page 49, line 32, strike "(B)" and insert "**(C)**".
23 Page 49, line 34, delete "." and insert "**, regardless of how or**
24 **whether the person is compensated.**
25 **The term does not include a student who attends the school."**
26 Page 49, line 35, delete "(f)" and insert "**(g)**".
27 Page 49, line 37, delete "(g)" and insert "**(h)**".
28 Page 49, line 39, delete "(h)" and insert "**(i)**".
29 Page 49, line 41, delete "(i)" and insert "**(j)**".
30 Page 50, line 2, delete "(j)" and insert "**(k)**".
31 Page 50, line 14, delete "(k)" and insert "**(l)**".
32 Page 58, line 24, after the effective date insert "**IC 35-42-3-4,**".
33 Renumber all SECTIONS consecutively.
(Reference is to EHB 1134 as printed February 22, 2008.)

Senator LUBBERS